IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.08.2006

Coram:

The Honourable Mr.Justice P.JYOTHIMANI

Writ Petition Nos.25253 & 25254 of 2006

T.Karthikesan .. Petitioner in W.P.No.25253 of 2006

D.Murugesan .. Petitioner in W.P.No.25254 of 2006

Vs.

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam. .. Respondent in both the W.Ps.

Writ Petitions filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorari calling for the entire records connected with the impugned order passed in E3/PV/08/2006-2 by the respondent dated 03.08.2006 and quash the same.

For Petitioners: Mr.T.P.Senthilkumar
For Respondent : Mr.V.R.Kamalanathan
Government Advocate

O R D E R

The writ petitions are filed challenging the impugned order of transfer in which the petitioners who were working at Nagapattinam Branch, were transferred to Tanjore and Kumbakonam Branch, respectively.

2. It is seen that the impugned order does not relate to the petitioners' transfer alone and it is a matter of general transfer. Therefore, it cannot be said that the transfer is either vindictive or malafide in nature. There is absolutely no reason to come to the conclusion that the petitioners have been chosen for transfer, as a matter of victimisation or discrimination. Eventhough the learned counsel for the petitioners would submit that the petitioners are having their own

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residence at Nagapattinam and they have to travel about 40 Kms for the purpose of reaching their office due to transfer, I am not inclined to interfere with the impugned order. The petitioners have been appointed in the post which is transferable in nature and it is open for the Department to issue such order. In view of the same, there is absolutely no reason to interfere with the impugned order.

3. However, the learned counsel for the petitioners would submit that if the petitioners make representation stating their grievances for the purpose of retransfer to the earlier Branch (Nagapattinam), the same may be considered. Needless to state that in the event of the petitioners making such representation explaining the proper reasons, the same may be considered by the respondent in accordance with law and suitable orders may be passed.

4. It is also made clear that the impugned order remains valid. The petitioners, in the event of making such representation, are expected to join to the transferred place before making such representation.

5. With the above observation, the writ petitions are dismissed. Consequently, M.P.No.1 of 2006 in W.P. No.25253 of 2006 and M.P. Nos.1 and 2 of 2006 in W.P.Nos.25254 of 2006 are closed. No costs.

km

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The General Manager,
Tamil Nadu State Transport
Corporation (Kumbakonam) Ltd.,
Kumbakonam.

+ 1 cc to M/s. V.R. Kamalanathan, Advocate SR No. 35753

+ 2 ccs to Mr. T. P. Senthil Kumar, Advocate SR No. 35832, 35834

AK(CO)
SR/18.8.2006

W.P.Nos.25253 and
25254 of 2006

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